

916. Adulteration of Isopropyl Alcohol Compound. U. S. v. 40 Dozen and 80 Dozen Bottles of Isopropyl Alcohol Compound. Decrees of condemnation. Product ordered sold to be used for industrial purposes. (F. D. C. Nos. 7471, 7498. Sample Nos. 77124-E, 77201-E.)

Examination showed that this product was contaminated with filth in the form of rodent hairs, human hairs, insect larvae, metal fragments, dust, and miscellaneous dirt. Inspection of the factory premises revealed the existence of very filthy conditions.

On May 6 and 13, 1942, the United States attorney for the Eastern District of Pennsylvania filed libels against 120 dozen bottles of Isopropyl Alcohol Compound at Philadelphia, Pa., alleging that the article had been shipped on or about March 5 and April 20, 1942, from Brooklyn, N. Y., by the Spark'l Co.; and charging that it was adulterated in that it was contaminated with filth, and in that it had been prepared and packed under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "Athlete's Isopropyl Alcohol Compound."

On April 2, 1943, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed. On June 7, 1943, amended decrees were entered ordering the product to be sold on condition that it be used only for industrial purposes.

DRUGS ACTIONABLE BECAUSE OF DEVIATION FROM OFFICIAL OR OWN STANDARDS³

917. Adulteration and misbranding of digitalis tablets, misbranding of cascara compound tablets, alleged adulteration of cascara compound tablets, and alleged adulteration and misbranding of posterior pituitary solution. U. S. v. Buffalo Pharmacal Co., Inc., and Joseph H. Dotterweich. Counts charging adulteration of cascara compound tablets and adulteration and misbranding of posterior pituitary solution nolle prossed. Pleas of not guilty. Tried to the court and jury. Verdict of guilty as to the individual defendant; disagreement as to the corporate defendant. Fine, \$500 on each of 3 counts against individual defendant; payment of fines on counts 2 and 3 suspended and the individual defendant placed on probation. Judgment reversed on appeal to the Circuit Court of Appeals. Petition for Writ of Certiorari granted and decision rendered by Supreme Court reversing the judgment of the Circuit Court of Appeals. (F. D. C. Nos. 951, 2087. Sample Nos. 78710-D, 78786-D, 78814-D.)

On April 29 and August 5, 1940, the United States attorney for the Western District of New York filed informations against the Buffalo Pharmacal Co., Inc., and Joseph H. Dotterweich, secretary and general manager of the corporation, alleging shipment on or about October 2, 1939, and January 8, 1940, from the State of New York into the States of Pennsylvania and Ohio of a quantity of digitalis tablets which were adulterated and misbranded, a quantity of cascara compound tablets which were misbranded and were alleged to be adulterated, and a quantity of posterior pituitary solution which was alleged to be adulterated and misbranded.

The digitalis tablets were alleged to be adulterated in that their strength differed from and their purity or quality fell below that which they purported or were represented to possess since each tablet was represented to possess a potency of one U. S. P. digitalis unit, whereas each tablet possessed a potency of not more than 0.48 U. S. P. digitalis unit per tablet. They were alleged to be misbranded in that the statement, "Tablets Digitalis 1½ Grs * * * One USP Unit Represents (0.1 gram equals 1.543 grains) Powdered Digitalis," borne on the label attached to the bottle containing the article, were false and misleading in that the statements represented that each tablet possessed a potency of 1 U. S. P. digitalis unit, whereas each tablet did not possess such potency.

The cascara compound tablets were alleged to be misbranded in that the statement, "Tablets Cascara Compound * * * (Hinkle)," borne on the bottle label, was false and misleading since it purported and represented that the article consisted of tablets of compound cascara (Hinkle), a drug the name of which, i. e., "Compound Pills of Cascara" and "Hinkle's Pills" is recognized in the National Formulary, whereas it did not consist of tablets of compound cascara (Hinkle) since it contained strychnine sulfate, an ingredient which is not included in the formula set forth as the standard for compound pills of cascara (Hinkle's Pills) in the National Formulary, official at the time of the investiga-

³ See also Nos. 902, 908, 910, 914.